

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

AZIYO BIOLOGICS, INC.,

Plaintiff,

v.

**NAVIGATORS SPECIALTY
INSURANCE COMPANY and MCGRIFF
INSURANCE SERVICES, INC.,**

Defendants.

Case No. _____

**DEFENDANT NAVIGATORS SPECIALTY INSURANCE COMPANY
MOTION TO FILE UNDER SEAL**

Defendant Navigators Specialty Insurance Company, by and through its undersigned attorneys, hereby moves to file Exhibit 1 to the Notice of Removal under seal. The grounds for the motion are as follows:

1. The original Complaint was filed under seal in the Superior Court of the State of Delaware, C.A. No. N22C-09-811 PRW [CCLD], against Defendant Navigators Specialty Insurance Company (“Navigators”) and Defendant McGriff Insurance Services, Inc. (“McGriff”). A true and correct copy of the Complaint is attached as Exhibit “1” to the Notice of Removal.
2. “The court may order that a filing be made under seal without redaction.” Fed. R. Civ. P. 5.2(d). “The party seeking to seal any part of a judicial record bears the heavy burden of showing that ‘the material is the kind of information that courts will protect’ and that ‘disclosure will work a clearly defined and serious injury to the party seeking closure.’” *Miller v. Indiana Hosp.*, 16 F.3d 549, 551 (3d Cir. 1994) (quoting *Publicker Indus., Inc. v. Cohen*, 733 F.2d 1059, 1071 (3d Cir. 1984)).

3. No redacted copy of the original Complaint has been filed yet in Superior Court.

Plaintiff's designation of the document as confidential should be preserved.

WHEREFORE, Defendant Navigators Specialty Insurance Company requests that it be permitted to file Exhibit 1 to the Notice of Removal under seal.

Respectfully submitted,

BODELL BOVE, LLC

/s/ Bruce W. McCullough

Bruce W. McCullough (Del. ID 3112)
1225 N. King Street, Suite 1000
Wilmington, DE 19801
Tel: 302-655-6749
Fax: 302-655-6827
bmccullough@bodellbove.com

*Attorneys for Defendant Navigators
Specialty Insurance Company*

Dated: November 4, 2022

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 4th day of November, 2022, I caused a copy of Defendant Navigators Specialty Insurance Company Motion to File Under Seal to be served on the following counsel of record by electronic mail:

Richard I.G. Jones, Jr., Esquire
Peter C. McGivney, Esquire
Berger Harris LLP
1105 N. Market Street, 11th Floor
Wilmington, DE 19801
Email: rjones@bergerharris.com
Email: pmcgivney@bergerharris.com

/s/ Bruce W. McCullough
Bruce W. McCullough (Del. ID 3112)